



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Administrative Tribunal
(Amendment) Bill, 2012**

(Bill No. 17 of 2012)

(To be introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2012**

The Goa Administrative Tribunal (Amendment) Bill, 2012

(Bill No.17 of 2012)

A

BILL

further to amend the Goa Administrative Tribunal Act, 1965 (Act No.6 of 1965).

5 BE it enacted by the Legislative Assembly of Goa in the Sixty-third Year of the Republic of India, as follows:-

10 **1. Short title and commencement.**— (1) This Act may be called the Goa Administrative Tribunal (Amendment) Act, 2012.

(2) It shall come into force at once.

15 **2. Amendment of section 3.**— In section 3 of the Goa Administrative Tribunal Act, 1965 (Act No.6 of 1965), for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) The President and the Additional President shall hold office until they attain the age of sixty years:

Provided that the President or the Additional President who has already attained the age of sixty years on the date of commencement of the Goa Administrative Tribunal (Amendment) Act, 2012, shall cease to hold office with effect from the 1st day of October, 2012.”.

Statement of Objects and Reasons.

The post of the President and the Additional President of the Administrative Tribunal is equivalent to the post of a District Judge within the meaning of Article 236 of the Constitution of India. In terms of rule 21 of the Goa Judicial Service Rules, 2005, every member of the Goa Judicial Service including the District Judges and Additional District Judges shall retire by superannuation on attaining the age of sixty years subject to clearance by Special Review Committee as specified in the said rule. Therefore, the Bill seeks to substitute sub-section (4) of section 3 of the Goa Administrative Tribunal Act, 1965 (Act 6 of 1965), so as to provide that the President and the Additional President of the Administrative Tribunal shall hold office until they attain the age of sixty years.

The Bill also seeks to make provision, in respect of the persons who have attained the age of sixty years and holding the office of the President or the Additional President of the Administrative Tribunal on the date of commencement of the Goa Administrative Tribunal (Amendment) Act, 2012, to the effect that such persons shall cease to hold their respective office with effect from the 1st day of October, 2012.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa.
Dated: 27-07-2012

MANOHAR PARRIKAR
Chief Minister

Assembly Hall,
Porvorim-Goa.
Dated: 27-07-2012

Nilkhant Subhedar
Secretary to the
Legislative Assembly of Goa.

A N N E X U R E

Section 3. Constitution of Tribunal.— (1) The State Government shall, by Notification in the Official Gazette, constitute for each district of the State, a Tribunal to exercise the jurisdiction, perform the functions and discharge the duties entrusted to it by or under this Act or any other law for the time being in force.

(2) Each Tribunal shall consist of a President and an Additional President, as the State Government may deem fit. Both, the President as well as the Additional President, shall have co-extensive powers and concurrent jurisdiction to deal with cases filed in the Tribunals. The Additional President shall decide such cases as are made over to him by the President.

(3) The qualifications for a person to be appointed as President or Additional President shall be such may be prescribed.

Provided that the President and the Additional President shall be persons who have such legal qualification or experience as may be prescribed.

(4) The President and the Additional President shall hold office until they attain the age of sixty five years.

Assembly Hall,
Porvorim-Goa.
Dated: 27-07-2012

Nilkhant Subhedar
Secretary to the
Legislative Assembly of Goa.